

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

EUGENIO S. MATHIS as Personal
Representative of the Wrongful Death Estate of
JAMES DUNKLEE CRUZ, Deceased,

Plaintiffs,

v.

No. 1:22-cv-00930-SCY-KK

**THE NEW MEXICO CHILDREN YOUTH
& FAMILIES DEPARTMENT**, and
JESSICA ETOLL in her personal capacity
acting under color of state law; **MARVIN PAUL**
in his personal capacity acting under color of state
law; **MATTHEW HERNANDEZ** in his personal
capacity acting under color of state law,
MELISSA GARCIA in her personal capacity
acting under color of state law and **JOHN DOES 1-10**,
in their personal capacity acting under color of state law,

Defendants.

ORDER GRANTING MOTION FOR STAY

This matter comes before the Court on a Motion for Stay of Proceedings and Memorandum In Support (Doc. 39) filed by Defendants Paul, Hernandez, Garcia and New Mexico Children Youth and Families Department. CYFD (“CYFD Individual Defendants”). The Court having read the Motion, Plaintiffs’ Response (Doc. 53), and CYFD Individual Defendants’ Notice of Completion of Briefing (Doc. 58), HEREBY GRANTS THE MOTION AND ORDERS:

This matter is stayed pending the Court’s ruling on the CYFD Individual Defendants’ Motion to Dismiss for Failure to State and Claim and Qualified Immunity (Doc. 38). However, the previously scheduled Settlement Conference will proceed on November 28, 2023, and all associated deadlines and hearing notices set forth in the Court’s Order Setting Rule 16 Settlement Conference (Doc. 37) remain in effect.

IT IS SO ORDERED.



KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE